

ORDINANCE NO. O-2019-023

AN ORDINANCE OF THE CITY OF FATE, TEXAS, CREATING DIVISION 3, "TRUCK ROUTES," ARTICLE III, CHAPTER 28, OF THE CITY'S CODE OF ORDINANCES; PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Fate, Texas ("City") possesses the power to designate commercial truck traffic routes in the City to protect the health, safety and general welfare of the residents of the City and to preserve and protect functionality and integrity of the City's roads; and

WHEREAS, the City Council of the City of Fate ("Council") has determined that it is in the best interests of the City and its residents to designate certain roads as "No Trucks" roads, and to provide for Division 3, "Truck Routes," Article III, Chapter 28, to the City's Code of Ordinances to provide for same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FATE, TEXAS:

Section 1. Division 3, Article III, Chapter 28 of the Code of Ordinances is hereby created and shall be designated "Truck Routes" and shall read as follows:

§ 28-220 Purpose

To protect the health, safety and general welfare of the residents of the City and to preserve and protect functionality and integrity of the City's roads, streets and highways by prohibiting commercial truck traffic on certain routes in the City.

§ 28-221 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial Truck. Any motor vehicle having a weight of 13 tons gross vehicle weight rating (GVWR) or more including the load carried, also including but not limited to, any vehicle carrying hazardous materials or solid waste. Commercial trucks shall not include vehicles carrying or designated to carry passengers, all governmentally owned or leased vehicles, public utility vehicles, motor homes, school buses, recreational vehicles or vehicles used exclusively to transport personal possessions or family members for nonbusiness purposes.

No Truck Route. A road, street and/or highway on which commercial trucks are not allowed and which is designated as a "no truck route."

§ 28-222 **Unlawful Acts/Exemptions**

- (a) It shall be an offense to operate a commercial truck on the following roads, streets or highways located in the City, a map depicting the prohibited routes is attached hereto as **Exhibit A**, which are designated as no truck routes:

Street Segment	Extent
Ben Payne Road	From IH 30 to Lafayette Drive
Blackland Road	From IH 30 to E. Linda Lane
Dismore Lane	From State Highway 66 to FM 552
Greenbriar Road	From Memorial Parkway to Blackland Road
N. King Road	From FM 552 to W. County Line Road
Riding Club Road	From N. Stodghill Road to Ben Payne Road
Rochelle Road	From Carrington Drive to IH 30
Willowbrook Lane	From State Highway 66 to Saldana Drive

- (b) The provisions of this section shall not apply to:

- (1) Emergency vehicles operating in response to any emergency call;
- (2) A vehicles traveling to or from areas served directly by the roads, streets and/or highways listed in this section for the purpose of providing repair or maintenance service or loading or unloading goods, wares or merchandise, provided such vehicle is operated over the shortest possible route, and the operator of such vehicle has in his immediate possession evidence of the local destination and point of origin;
- (3) An owner and/or operator of a commercial truck driving to and from his residence;
- (4) Commercial trucks owned and/or operated by and/or on behalf of a governmental entity, a public utility and/or any contractor or materialman of said governmental entity and/or public utility, while engaged in the repair, maintenance or construction of roads, streets and/or highways and/or road, street and/or highway improvements and/or utilities within the City.
- (5) Commercial trucks owned and/or operated by and/or on behalf of a governmental entity while engaging in and/or performing official, authorized government-related business; and
- (6) Commercial trucks operating upon a City or state officially designated detour.

§ 28-223 Establishing No Truck Route(s)

The director of public works, or his/her designee, shall maintain accurate maps setting out no truck routes on streets upon which no truck traffic is permitted. The maps shall be kept on file in the office of the City secretary and shall be available to the public.

§ 28-224 Posting of Restrictions

Signs indicating the “No Truck Route(s)” provided herein shall be placed or caused to be placed by the director of public works, or his/her designee, at the most advantageous points to be conspicuous to approaching vehicular traffic.

§ 28-225 Penalty Provision

Any person, firm, corporation or business entity violating this division shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00).

Section 2. Cumulative Clause. This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City of Fate, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. Repealer Clause. Any provisions of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED by the City Council, the City of Fate, on this the 15th day of July, 2019.



Joe Burger
Joe Burger
Mayor

ATTEST:

Victoria Raduechel

Victoria Raduechel, TRMC
City Secretary

APPROVED AS TO FORM:

Brenda N. McDonald

Brenda N. McDonald
City Attorney

EXHIBIT A

Prohibited Truck Routes. City of Fate, TX

